

REMARKS**Claim Amendments**

Claims 56, 59, 68, 70 and 72 have been amended. Support for the amendments appears in the specification at page 15, line 8, for example. Entry of the amendments is respectfully requested.

Lack of Unity Restriction Requirement

The pending claims are subject to a three way restriction requirement as the examiner finds the claims are not so linked as to form a single general inventive concept under PCT Rule 13.1. It is respectfully noted that the instant application is the US national stage application of PCT/US04/30699. The PCT found there to be no unity of invention issues raised with the claims. Applicants question how the US PTO can now raise unity of invention issues at this stage when the PCT, well versed in the unity rules, did not raise this during the PCT stage. Moreover, the PCT did not find there to be any unity issues among claims drawn to methods of diagnosis, kits and method for predicting the efficacy of a drug. Applicants believe that all pending claims should be examined in accordance with the PCT determination that there were no unity issues raised. Indeed, the unifying concept is Applicants' discovery that the orientation of Inv8p23 is indicative of susceptibility to a psychiatric disorder or comorbid disorder. The markers or combination of markers or haplotypes represent various tools that the scientist can use to detect the orientation of Inv8p23, where the orientation is indicative of a psychiatric disorder or comorbid disorder. Therefore, Applicants respectfully request that Groups 2 and 3 be examined together with the elected claims of Group 1.

The Examiner has required election of a single specific combination of markers. It is stated in the Office Action at page 3 that there is no common or special technical feature that joins the different markers and combinations thereof. Applicants are unclear as to the nature of the requirement for selection of a single specific combination of markers is a species election. Applicants understand the requirement to be a species election where the non-elected species will be examined if the provisionally elected species is found patentable. If the election is not a species election, Applicants respectfully note that the restriction requirement for lack of unity is improper for all of the reasons presented above. In view of a clear unifying concept present in

all of the pending claims, the lack of unity restriction requirement should be respectfully withdrawn.


Information Disclosure Statement

An Information Disclosure Statement was filed in the subject application on September 24, 2007. Entry of the Information Disclosure Statement is respectfully requested.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By


Alice O. Carroll

Registration No. 33,542

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: April 2, 2008